

Appl. No. 10/790,606  
Reply to Examiner's Action dated June 13, 2005

### **REMARKS/ARGUMENTS**

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the following remarks.

The Applicant originally submitted Claims 1-20 in the application. In response to a previous restriction and/or election requirement, the Applicant withdrew Claims 1-9, 17 and 20. Presently, the Applicant has neither amended, canceled nor added any claims. Accordingly, Claims 10-16 and 18-19 are currently pending in the application.

#### **I. Rejection of Claims 10, 11 and 13 under 35 U.S.C. §102**

The Examiner has rejected Claims 10, 11 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2005/0064636 to Cabral, *et al.* ("Cabral"). In response to the Examiner's reliance on Cabral, the Applicant submits herewith an Affidavit under 37 C.F.R. §1.131 of the inventor. The Affidavit includes both a true and correct copy of an engineering notebook page (Exhibit A) establishing conception of the idea of the instant application, as well as a task request (Exhibit B) and email (Exhibit C) establishing actual reduction to practice of the idea of the instant application, both of which occur prior to the filing date of Cabral (September 24, 2003). As a result, Cabral is antedated by the present invention. Thus, Cabral is not a proper prior art reference and does not anticipate Claims 10, 11 and 13. Accordingly, the Applicant respectfully requests the Examiner withdraw the §102(e) rejection with respect to these claims.

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## **II. Rejection of Claims 12 and 14 under 35 U.S.C. §103**

The Examiner has rejected Claims 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Cabral in view of U.S. Patent No. 6,028,002 to Thakur ("Thakur"). As established above, Cabral is not a proper prior art reference. Moreover, as Thakur fails to teach or suggest the claim element of forming a silicided gate electrode over a gate oxide, the silicided gate electrode including a first metal and a second metal, Thakur fails to correct the deficiencies remaining as a result of Cabral failing to be a proper prior art reference.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 12 and 14 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

## **III. Rejection of Claims 15 and 16 under 35 U.S.C. §103**

The Examiner has rejected Claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Cabral in view of Thakur, and further in view of U.S. Pub. No. 2004/0262649 to Chang, *et al.* ("Chang"). As established above, Cabral is not a proper prior art reference. As further established above, Thakur fails to teach or suggest the claim element of forming a silicided gate electrode over a gate oxide, the silicided gate electrode including a first metal and a second metal. Chang further fails to teach or suggest the claim element of forming a silicided gate electrode over a gate oxide, the silicided gate electrode including a first metal and a second metal. Thus, Thakur alone or in combination with Chang fails to correct the deficiencies remaining as a result of Cabral failing to be a proper prior art reference.

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In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 15 and 16 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

**IV. Rejection of Claims 18 and 19 under 35 U.S.C. §103**

The Examiner has rejected Claims 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Cabral in view of U.S. Pub. No. 2004/0266182 to Ku, *et al.* ("Ku"). As established above, Cabral is not a proper prior art reference. Moreover, as Ku fails to teach or suggest the claim element of forming a silicided gate electrode over a gate oxide, the silicided gate electrode including a first metal and a second metal, Ku fails to correct the deficiencies remaining as a result of Cabral failing to be a proper prior art reference.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 18 and 19 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

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**V. Conclusion**

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 10-16 and 18-19.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 20-0668.

Respectfully submitted,

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